1996/21. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1995/12 of 24 February 1995,

Recalling General Assembly resolution 50/135 of 21 December 1995,

Recalling also resolution 1995/4 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the outcome of the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action (A/CONF.157/23) to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination, submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Noting the final report on freedom of opinion and expression submitted to the Sub-Commission at its forty-fourth session by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk (E/CN.4/Sub.2/1992/9), in which the Special Rapporteurs recall that, under international law, racism is not an opinion but an offence,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1996/72 and Add.1),

Noting with regret that addenda 2, 3 and 4 to the Special Rapporteur's report were not available in time for due consideration,

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Deeply concerned that, despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racist violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including new tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Conscious also that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of eliminating the growing manifestations of racism, racial discrimination and xenophobia taking place in segments of many societies and of creating conditions to foster greater harmony and tolerance within societies,

1. Takes note of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

2. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

3. Commends those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination and all racist violence, including related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination against migrant workers and other vulnerable groups in many societies;

6. Categorically condemns any role played by some print, audiovisual or electronic media in inciting acts of violence motivated by racial hatred;

7. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

8. Calls upon all Governments to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination;

9. Decides to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters on a yearly basis to the Commission, beginning at its fifty-third session;

10. Requests the Special Rapporteur to continue his exchange of views with the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

11. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

12. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

13. Requests the Special Rapporteur to make the fullest use of all additional sources of information, including country visits and the evaluation of mass media, and to elicit the responses of Governments with regard to allegations;

14. Encourages the Special Rapporteur, in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance;

15. Invites all Governments to take, where possible, measures to provide assistance to and rehabilitation of victims of acts of racism, racial discrimination, xenophobia and related intolerance;

16. Regrets that the Special Rapporteur has again encountered difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

17. Decides to defer the consideration of addenda 2, 3 and 4 to the report of the Special Rapporteur until its fifty-third session;

18. Requests the Secretary-General to provide, without any further delay, the Special Rapporteur with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-first session and a comprehensive report to the Commission at its fifty-third session;

19. Decides to continue the consideration of this question at its fifty-third session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority;

20. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

51st meeting
19 April 1996
[Adopted without a vote. See chap. XII.]

1996/22. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Taking note of General Assembly resolution 50/170 of 22 December 1995, and recalling its own resolution 1995/92 of 8 March 1995, as well as other relevant resolutions,

Recalling the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.155/23),

Welcoming the call in the Beijing Declaration and Platform for Action (A/CONF.177/20) both for intensified efforts to integrate the equal status and the human rights of women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms, and for the related actions to be taken by, inter alia, the human rights treaty bodies,

Noting the recommendations proposed by the expert group on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes (E/CN.4/1996/105, annex), which met at Geneva from 3 to 7 July 1995,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of human rights promotion and protection activities of United Nations organs and bodies active in the field of human rights,

Noting with interest the initiatives taken by a number of treaty bodies to elaborate measures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Recalling the conclusions and recommendations of the five meetings of persons chairing the human rights treaty bodies held from 1988 to 1994,

Noting that the General Assembly, in its resolution 50/170, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Bearing in mind that the United Nations High Commissioner for Human Rights has, in conformity with General Assembly resolution 48/141 of 20 December 1993, the responsibility, inter alia, to coordinate human rights promotion and protection activities throughout the United Nations system,

1. Welcomes the report of the sixth meeting of the persons chairing the human rights treaty bodies, held at Geneva from 18 to 22 September 1995 (A/50/505, annex), and takes note of its conclusions and recommendations;

2. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests the Secretary-General to report on this question to the Commission on Human Rights at its fifty-third session;

3. Takes note of the potential benefits from the development of a full-text information retrieval and database system for the Committee on the Rights of the Child;

4. Urges States parties to notify without delay the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by the States parties and the General Assembly;

5. Welcomes the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures;

6. Urges the human rights treaty bodies and the seventh meeting of the persons chairing them to continue to examine, on a priority basis, ways of reducing the duplication of reporting required under the different instruments without impairing the quality of reporting and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between their respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

and to report on the above for consideration by the Commission on Human Rights;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Requests the United Nations High Commissioner for Human Rights, in accordance with his mandate, to encourage the independent expert to finalize his interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system in time for the final report to be considered by the Commission on Human Rights at its fifty-third session, and requests the Secretary-General to give the independent expert all necessary assistance, from within existing resources;

9. Also requests the United Nations High Commissioner for Human Rights to ensure, from within existing resources, that the revised United Nations Manual on Human Rights Reporting (United Nations publication, Sales No. E.91.XIV.1) will be available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies;

10. Expresses concern about the increasing backlog of reports on implementation submitted by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies, and again urges States parties to make every effort to meet their reporting obligations;

11. Invites States parties which have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

12. Encourages the efforts of the human rights treaty bodies to examine, according to the mandated human rights treaty reporting procedures, the progress made in achieving the realization of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Also urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Stresses the usefulness of technical assistance and advisory services in helping States parties to comply with their obligations pursuant to United Nations human rights instruments and further to this end:

(a) Invites the treaty bodies to continue to identify possibilities for States parties to benefit from such technical assistance and advisory services;

(b) Requests the United Nations High Commissioner for Human Rights, in fulfilling his mandate, as set forth in General Assembly resolution 48/141, to continue to provide advisory services and technical assistance at the request of the State concerned and, whenever possible, in cooperation with other relevant agencies;

16. Welcomes the recommendation by the persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make available in its territory the full text of the concluding observations on their reports to the treaty bodies, and requests the United Nations High Commissioner for Human Rights to endeavour to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, continue to be made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the human rights treaty bodies to pursue further cooperation among themselves, bearing in mind the responsibilities of the United Nations High Commissioner for Human Rights;

18. Invites the United Nations High Commissioner for Human Rights, in accordance with his mandate, as contained in General Assembly resolution 48/141, to consult the human rights treaty bodies with regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of reliable information between the treaty bodies and such organizations;

20. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate, and recommends that the reporting guidelines adopted by each treaty body be amended to identify related gender-specific information to be addressed by States parties in their reports;

21. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commission for Human Rights, as well as the Secretary-General and the bodies of the United Nations competent in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

22. Requests the Secretary-General to report to the Commission at its fifty-third session on measures taken to implement the present resolution and on obstacles to its implementation;

23. Decides to consider the question on a priority basis at its fifty-third session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

51st meeting
19 April 1996
[Adopted without a vote. See chap. XIV.]

1996/23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 50/183 of 22 December 1995, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and requested the Special Rapporteur on religious intolerance to submit an interim report to the Assembly at its fifty-first session,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures, in compliance with their international obligations and with due regard to their respective legal systems, to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites,

Recalling that the World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights and international law, and stated that the universal nature of these rights and freedoms is beyond question.

Noting with concern measures and practices in a number of countries that may foster intolerance, including religious intolerance, in society,

Bearing in mind the need for all Governments to cooperate with the Special Rapporteur on religious intolerance to enable him to carry out his mandate fully, and taking note in this regard of the importance attached by the Special Rapporteur to furthering dialogue with Governments, inter alia through visits made in situ,

Welcoming in this context the fact that a number of Governments have facilitated visits by the Special Rapporteur,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Alarmed that serious instances of intolerance, discrimination and acts of violence based on religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and security of person, the right to freedom of movement and the right to freedom of opinion and expression,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Takes note of the report of the Special Rapporteur on religious intolerance (E/CN.4/1996/95 and Add.1 and 2);

3. Notes with grave concern the continuing instances of hatred and intolerance including acts of violence based upon religious intolerance, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. Condemns all such acts motivated by religious intolerance in all its forms, including practices which violate the human rights of women and discriminate against women;

5. Urges States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

6. Also urges States to ensure, in particular, that no one within their jurisdiction is, because of religion or belief, deprived of the right to life or the right to liberty and security of person, or is subjected to torture or arbitrary arrest or detention;

7. Further urges all States, in conformity with international instruments of human rights, to take all necessary measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Calls upon States to promote and enhance tolerance in matters relating to religion or belief and to ensure that the values of pluralism, respect for religious diversity and non-discrimination are promoted effectively, through appropriate measures such as legislation which does not have the effect of fostering intolerance and discrimination in society;

9. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

10. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

11. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

12. Expresses its grave concern at attacks upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

13. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end, including the dissemination, as a matter of high priority, of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

14. Encourages the continued efforts on the part of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

15. Stresses the need for the Special Rapporteur to apply a gender perspective in the reporting process, including in information collection and in recommendations;

16. Invites the Special Rapporteur, within the terms of his mandate and in the context of recommending remedial measures, to take into account the experience of various States as to which measures are most effective in promoting freedom of religion and belief and countering all forms of intolerance;

17. Encourages Governments to cooperate with the Special Rapporteur so as to enable him to fulfil his mandate even more effectively, inter alia by responding to requests for views and comments and by giving serious consideration to inviting him to visit their countries;

18. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;

19. Encourages Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of promotion and protection of the right to freedom of thought, conscience and religion;

20. Welcomes and encourages the efforts of non-governmental organizations to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

21. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session;

22. Decides to continue its consideration of the question at its fifty-third session under the item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

51st meeting
19 April 1996
[Adopted without a vote. See chap. XVIII.]

1996/24. Traffic in women and girls

The Commission on Human Rights,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993, affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights,

Welcoming the Programme of Action of the International Conference on Population and Development (A/CONF.171/13), held at Cairo from 5 to 13 September 1994, which, inter alia, called upon all Governments to prevent all international trafficking in migrants, especially for the purpose of

prostitution, and for the adoption by Governments of both receiving countries and countries of origin of effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women and children,

Recalling also the recognition by the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, of the danger to society of the trafficking in women and children,

Welcoming also the initiatives taken by the Commission on Crime Prevention and Criminal Justice and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 10 May 1995, towards criminalizing clandestine traffic in undocumented migrants,

Concurring with the conclusion in the Platform for Action (A/CONF.177/20) of the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995, that the effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern,

Recalling its resolution 1995/25 of 3 March 1995, General Assembly resolution 50/167 of 22 December 1995 and resolutions 39/6 of 29 March 1995 and 40/4 of 22 March 1996 of the Commission on the Status of Women,

Acknowledging the work done by intergovernmental organizations, such as the International Organization for Migration, and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelters for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that the problem of trafficking also victimizes young boys,

Convinced of the need to eliminate all forms of sexual violence and sexual exploitation and trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girl children from this nefarious traffic,

1. Notes with appreciation the report of the Secretary-General on the traffic in women and girls (A/50/369);

2. Calls upon Governments of countries of origin, transit and destination, and regional and international organizations, as appropriate, to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care and taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

3. Invites Governments to accord standard minimum humanitarian treatment to trafficked persons, consistent with human rights standards;

4. Invites the United Nations High Commissioner for Human Rights, in addressing the obstacles to the realization of the human rights of women, in particular through his contacts with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the sale of children, child prostitution and child pornography, to include the traffic in women and girls among his priority concerns;

5. Encourages the Centre for Human Rights to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of the traffic in women and girls under its draft programme of action on the traffic in persons and the exploitation of the prostitution of others;

7. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training, particularly human rights training for personnel who will be directly involved in the implementation of these programmes;

8. Requests the Secretary-General to provide the Commission, at its fifty-third session, with his report to the General Assembly at its fifty-first session on the implementation of General Assembly resolution 50/167;

9. Decides to continue its consideration of the question at its fifty-third session under the relevant agenda item.

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/25. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Reaffirming its resolution 1995/26 of 3 March 1995,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the expert members of the Sub-Commission,

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-seventh session (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 and E/CN.4/1996/81),

Expressing its appreciation of the positive contribution made by the Sub-Commission to the promotion and protection of human rights,

Convinced that the Sub-Commission, as a body of independent experts, has an important complementary role to play in providing advice to the Commission on Human Rights, inter alia with regard to human rights violations and new developments in the field of human rights,

Mindful that the Sub-Commission also provides a forum for non-governmental organizations in consultative status with the Economic and Social Council and that they can make important contributions to the work of the Sub-Commission in conformity with the principles embodied in Council resolution 1296 (XLIV) of 23 May 1968,

Convinced that the impartiality and objectivity of the Sub-Commission and the independence of its members and their alternates are essential for its credibility and effectiveness,

Fully aware that both the credibility and the effectiveness of the Sub-Commission as an expert human rights body are basically dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments and devote the time necessary to their mandate,

Convinced that studies commissioned by the Economic and Social Council to members of the Sub-Commission should be carried out by members of the Sub-Commission or their alternates, in cooperation with their consultants, if need be, and the Secretariat, and that such studies need to be given thorough consideration and adequate follow-up,

Noting with appreciation the ongoing dialogue of the Sub-Commission with the Committee on the Elimination of Racial Discrimination and the need for thorough preparation for such interaction,

Stressing the need for enhanced cooperation between the Commission and the Sub-Commission, and recalling the continuing importance for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure complementarity and avoid duplication,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members and alternates;

3. Requests States nominating candidates for the Sub-Commission, and the Secretary-General, to make nominations known sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

4. Reaffirms that one of the tasks of the Sub-Commission is to undertake a thorough examination of information concerning alleged human rights violations, in accordance with its mandate, as well as the presentation of the results of the examination to the Commission;

5. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

6. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to observe the resolutions and decisions of the Commission and the Economic and Social Council regarding its work;

7. Takes note of Sub-Commission decision 1995/113 of 24 August 1995 to continue its practice of considering item 6 of its agenda, entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent territories", starting on the day after the adoption of the agenda, and welcomes Sub-Commission decision 1995/115 of 24 August 1995 to consider at its forty-eighth session how best to carry out its mandate in examining violations of human rights under this agenda item;

8. Also takes note of Sub-Commission decision 1995/112 of 24 August 1995 to adopt, on an experimental basis, new procedures according to which the exercise of the right of reply will be restricted to the end of the debate on the respective agenda item and allegations of violations of human rights made under agenda item 6 cannot be repeated under any other agenda item;

9. Requests the Sub-Commission thoroughly to review in an effective manner its mandate and working methods with a view to improving its efficiency further and avoiding duplication with the Commission and its mechanisms and, in this context, taking into account the views of Member States, to give particular attention to:

(a) Further rationalization of its agenda;

(b) Selection of subjects for studies, as well as the commissioning, number, treatment and time-frame of studies and reports;

(c) The functioning and mandate of its mechanisms;

(d) The need to focus on the implementation of existing human rights standards and mechanisms;

(e) The consideration of alleged violations of human rights;

(f) The need for enhanced cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies including the human rights treaty bodies;

(g) The composition of the Sub-Commission and criteria for membership;

10. Takes note of Sub-Commission decision 1995/114 of 24 August 1995 to earmark part of its forty-eighth session for a closed exchange of views among the experts and their alternates, and requests the Sub-Commission to devote a portion of these closed meetings to consideration of the outcome of the review of its mandate and working methods;

11. Decides to consider the report of the Sub-Commission on this issue at its fifty-third session in the context of the review of the mandate and working methods of the Sub-Commission;

12. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all official United Nations languages in good time before the session;

13. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

14. Requests the Chairman of the Sub-Commission at its forty-eighth session to report to the Commission at its fifty-third session on significant aspects of the work of the Sub-Commission.

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/26. Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Gravely concerned also at the conduct of groups and individuals who resort to violence, thereby contributing to the suffering of innocent people in such situations,

Conscious of the desirability of reaffirming the principles of humanity and the dictates of the public conscience governing the behaviour of all persons, groups and public authorities in all situations,

Emphasizing, in this regard, the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual,

Recalling resolution 1994/26 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its own resolution 1995/29 of 3 March 1995,

1. Recognizes the need to address principles applicable to situations of internal violence and disturbance of all kinds in a manner consistent with international law including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Invites all States to consider reviewing their national legislation relevant to situations of public emergency with a view to ensuring that it meets the requirements of the rule of law and that it does not involve discrimination on the grounds of race, colour, sex, language, religion or social origin;

4. Welcomes the offer by Denmark, Finland, Iceland, Norway and Sweden to organize, in cooperation with the International Committee of the Red Cross, a workshop to which governmental and non-governmental experts from all regions will be invited to consider this issue and to make the outcome of the workshop available for dissemination to Governments and intergovernmental and non-governmental organizations;

5. Requests the Secretary-General to transmit the text of the present resolution to Governments and intergovernmental and non-governmental organizations for their comments on this matter for submission to the Commission on Human Rights at its fifty-third session.

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/27. Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Welcoming the unreserved reaffirmation in the Vienna Declaration and Programme of Action (A/CONF.157/23) of the human rights and fundamental freedoms of persons with disabilities and the recognition in the Programme of Action of the International Conference on Population and Development (A/CONF.171/13) and the Programme of Action of the World Summit for Social

Development (A/CONF.166/9) of a pressing need for, inter alia, the realization of the goals of full participation and equality for persons with disabilities, as well as the recognition by the Fourth World Conference on Women: Action for Equality, Development and Peace, of the special needs of women with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Re-emphasizing the responsibility of Governments for removing or facilitating the removal, as far as possible, of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the reports by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Centre for Human Rights publication Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4), in which international mechanisms for the protection and promotion of the human rights of persons with disabilities, such as an ombudsman, are proposed,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. Calls upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

2. Welcomes the work done by the Committee on Economic, Social and Cultural Rights to draw attention to the recommendations of the Special Rapporteur on disability of the Commission for Social Development, and calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

3. Urges non-governmental organizations active in the protection and promotion of the human rights of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Centre for Human Rights;

4. Encourages all the human rights treaty bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities;

5. Urges all Governments to implement, with the cooperation and assistance of organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

6. Invites Governments and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

7. Requests the Secretary-General to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond (A/49/435, annex);

8. Encourages the Secretary-General and the United Nations agencies concerned to finalize, in consultation with Member States, the development of a global disability indicator in the Commission for Social Development, and also encourages the Special Rapporteur and all human rights treaty bodies to make use of it, where appropriate, in their future work;

9. Expresses grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

10. Expresses deep concern at the indiscriminate use of anti-personnel mines, causing a high number of disabilities among civilian populations in all continents, in particular among women and children, and calls upon all Governments and United Nations agencies to extend their assistance in alleviating the suffering of those victims;

11. Welcomes international efforts aimed at restricting and prohibiting the use of anti-personnel mines, and calls upon Governments to contribute to demining activities, thereby reducing the number of disabilities caused by those weapons;

12. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

13. Also requests the Secretary-General to make available to the Commission at its fifty-third session the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

14. Reaffirms its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in community affairs continue to be addressed in all of its work;

15. Decides to continue to consider the question at its fifty-third session under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/28. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial and to make appropriate recommendations on the use of this practice,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Having taken note, at its forty-seventh session, of the revised report of Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994 and 1995/59 of 7 March 1995,

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights, or in the relevant international legal instruments accepted by the States concerned,

Having considered the report of the Working Group (E/CN.4/1996/40 and Add.1),

Having heard the comments made during the fifty-second session of the Commission,

1. Takes note of the work of the Working Group on Arbitrary Detention and its efforts to revise its methods of work, and underlines the initiatives it has taken to strengthen cooperation and dialogue with States, and the new cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

2. Also takes note of the report of the Working Group (E/CN.4/1996/40 and Add.1);

3. Requests the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

4. Also requests the Working Group which, in conformity with resolution 1991/42, has a mandate to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned, to take duly into consideration the distinction between detention and imprisonment made, inter alia, by General Assembly resolution 43/173 of 9 December 1988, and to submit to the Commission, at its fifty-third session, its conclusions and recommendations on this question;

5. Further requests the Working Group, in discharging its mandate, to apply the treaties relevant to the case under consideration only to the States which are parties to them;

6. Invites the Working Group to continue to take account of the need to carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate, and invites the experts to continue to perform their task with rigour, in the light of the very specific nature of their mandate, which is notably to investigate cases, and to respond effectively to credible and reliable information that comes before them;

7. Emphasizes the need for the Working Group to take gender-specificity into account in its reports, including in the collection of information and in its recommendations;

8. Takes note in this context of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights and with the treaty bodies, as well as to the strengthening of the role of the Centre for Human Rights in such coordination, and encourages the Working Group to continue to avoid any unnecessary duplication;

9. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

10. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

11. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging the nature of the detention;

12. Invites Governments concerned to take note of the Working Group's decisions and, where necessary, to take appropriate steps and to inform the Working Group of the steps they have taken;

13. Encourages Governments to pay attention to the recommendations of the Working Group concerning persons mentioned in its report, who have been detained for a number of years;

14. Regrets that the Working Group was unable, despite the invitation received, to undertake the field mission envisaged for 1995, and encourages all Governments to invite the Working Group to their countries in order that it may fulfil its mandate even more effectively;

15. Expresses its concern at the fact that, according to the data of the Working Group, most cases of arbitrary deprivation of liberty are motivated by denial of the exercise of the right to freedom of opinion and expression, and recalls the need to pay due attention to cases of arbitrary detention motivated by violation of other human rights and fundamental freedoms;

16. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without a formal declaration, non-observance of the principle of proportionality between the gravity of the measures taken and the situation concerned, too vague a definition of offences against State security and the existence of special or emergency jurisdictions;

17. Encourages States to take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international instruments and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

18. Requests the Secretary-General and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities responsible for studying the question of human rights and states of emergency to extend their assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

19. Also requests the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

20. Requests the Working Group to submit to it a report at its fifty-third session, and to make to it any suggestions and recommendations which would enable it to discharge its task in the best possible way, in cooperation with Governments, and to continue its consultations to that end within the framework of its terms of reference;

21. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/29. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolution 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1995/39 of 3 March 1995, in which it requested the Secretary-General to submit to the Commission at its fifty-second session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Aware of the need to strengthen the relevant international legal instruments,

Welcoming the adoption, by the General Assembly in resolution 49/59 of December 1994, of the Convention on the Safety of United Nations and Associated Personnel as a significant step for the protection of United Nations staff members and other personnel acting under its authority,

Noting that since its adoption the Convention has only been signed by 40 Member States and ratified by 4,

Considering that, at a time when the United Nations is undertaking greater responsibilities sending missions in difficult conditions to various parts of the world, it is imperative that its staff members and other personnel acting under its authority be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provision of the Charter of the United Nations and other international instruments,

Having examined the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1996/32 and Add.1),

Noting the remarks made by certain bodies, as mentioned in the updated report of the Secretary-General, that the coverage offered by the Convention does not include all members of United Nations missions without distinction as to the type of mandate entrusted to them,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, retained as hostages, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, and other personnel acting under the authority of the United Nations and their families have been killed since July 1994,

Noting the continuous need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, retained as hostages, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country concerned, can contribute to a faster solution of cases,

Deeply concerned at the inordinate delays and obstacles which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. Takes note with interest of the updated report of the Secretary-General;

2. Invites the Secretary-General to request the United Nations organs concerned to submit to him their views and comments on the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19) and to submit a report evaluating the measures proposed for the implementation of those recommendations;

3. Appeals once again to Member States to respect and to ensure respect for the rights of staff members and other personnel acting under the authority of the United Nations and their families and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

4. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress

and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

5. Reiterates the obligations of Member States under the Convention on the Privileges and Immunities of the United Nations and also under the Convention on the Privileges and Immunities of the Specialized Agencies regarding immunity from legal process and from personal arrest or detention;

6. Urges Member States:

(a) To provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts or their families;

(b) To grant the representative of the competent international organization immediate access to them;

(c) To allow independent medical teams to investigate the health of detained staff members, experts and their families, and to afford them the necessary medical assistance;

(d) To allow representatives of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

(e) To ensure the speedy release of United Nations staff members, experts and members of their families who have been arrested or detained in violation of their immunity, in accordance with the conventions referred to in paragraph 5 above;

7. Invites Member States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

8. Invites the Secretary-General to prepare a document containing the relevant principles of protection found in the Convention for use as guidelines in bilateral negotiations of headquarters agreements and mission agreements with the concerned Governments; such bilateral negotiations would take into account national legislation where the Government concerned has not ratified or acceded to the Convention;

9. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention on the Safety of United Nations and Associated Personnel, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the presentation of the last report, and on the implementation of the measures referred to in the present resolution.

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/30. Question of enforced disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1991/41 of 5 March 1991, 1992/30 of 28 February 1992, 1993/35 of 5 March 1993, 1994/39 of 5 March 1994 and 1995/38 of 3 March 1995,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Emphasizing that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights welcomed the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance and called upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearance,

Noting that the Working Group on Enforced or Involuntary Disappearances considers the adoption of the latter Declaration to be the most encouraging development since its establishment in respect of efforts to combat enforced disappearances, especially in so far as it recognizes that the systematic practice of such acts "is of the nature of a crime against humanity",

Expressing concern in this connection that, according to the Working Group, the practice of a number of States can run counter to the Declaration,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

Taking into account General Assembly resolution 49/193 of 23 December 1994,

Deeply concerned about the increase and spread of the practice of enforced disappearances in various parts of the world,

Concerned at the large number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Noting with satisfaction in this connection that the Working Group reports increased cooperation on the part of most States,

Recalling its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs,

Having examined the report of the Working Group (E/CN.4/1996/38) and also the report of the expert member of the Working Group responsible for the special operation on missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it is performing its task, and thanks it for submitting a report to the Commission in accordance with its resolution 1995/38 of 3 March 1995;

2. Takes note of the report of the Working Group;

3. Encourages the Working Group in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may wish to make regarding the fulfilment of its task;

4. Notes that the primary role of the Working Group, as described in its reports, is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

5. Stresses the need for the Working Group to apply gender perspective in its reporting process, including in information collection and formulation of recommendations;

6. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

7. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to take action as rapidly as possible concerning these communications, to cooperate with and assist the Working Group so that it may carry out its mandate effectively and, in particular, to reply expeditiously to its requests for information;

9. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

10. Once again urges Governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages Governments to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances whenever there is reason to believe that an enforced disappearance has occurred in a territory under their jurisdiction;

14. Recalls that, if allegations are confirmed, the perpetrators of enforced disappearances should be prosecuted;

15. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its request for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

16. Commends in particular the efforts of Governments which investigate and/or develop appropriate mechanisms to investigate any cases of enforced disappearances which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

17. Invites States, taking into account the conclusions of the Working Group, to consider taking effective measures including, if appropriate, legislative measures, to implement the principles of the Declaration on the Protection of All Persons from Enforced Disappearance, while considering the general comments of the Working Group contained in paragraphs 43 to 58 of its report;

18. Invites, in this connection, all Governments to take action to this end at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance;

19. Recalls that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

20. Encourages States to provide concrete information, as some have already done, on measures taken to give effect to the Declaration, as well as obstacles encountered;

21. Again invites the Working Group to identify obstacles to the realization of the Declaration, to recommend ways of overcoming those obstacles, and to pursue in this respect its dialogue with Governments and institutions concerned;

22. Invites the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration;

23. Requests the Working Group to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and to cooperate closely with the Governments concerned in searching for and identifying these children;

24. Notes the activities of non-governmental organizations in support of the implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

25. Takes note of the cooperation provided to the Working Group by non-governmental organizations;

26. Takes note with interest of the report of the expert member of the Working Group responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36);

27. Requests the Working Group to report on its work to the Commission at its fifty-third session and to continue to discharge its mandate discreetly and conscientiously;

28. Once more requests the Secretary-General to ensure that the Working Group receives all the assistance and resources it requires to perform its function, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it;

29. Once more requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance and to compile observations, if any, from Governments on the possible measures they have taken, where appropriate, to take the Declaration into account.

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/31. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993 and 1994/31 of 4 March 1994,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1996/41), submitted pursuant to its resolution 1994/31,

Welcoming also the provisional list of organizations and individual experts in forensic science compiled by the Secretary-General in his report and also the organizations mentioned in his previous reports (E/CN.4/1993/20 and E/CN.4/1994/24),

Expressing its gratitude to the Governments and organizations that recommended names of organizations and experts for the list,

Conscious that other organizations and individual experts in forensic science should be added to the provisional list,

Welcoming the contacts maintained by the Working Group on Enforced or Involuntary Disappearances with certain organizations and individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts,

Noting that the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Noting also that forensic science can help to reunite children of disappeared persons forcibly separated from their parents with their surviving relatives,

Noting further that forensic medicine is an important tool in detecting evidence of torture,

Noting that, in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard,

Also aware of the experience of United Nations fact-finding investigations supporting the need for a list of experts in forensic science,

Further aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989,

Considering the proposed model autopsy protocol prepared under United Nations auspices contained in the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Considering also the guidelines for the conduct of United Nations inquiries into allegations of massacres,

1. Invites States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

2. Requests the Secretary-General again to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his reports of 1993, 1994 and 1996, as well as other interested institutions, with a view to:

(a) Identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

(b) Submitting biographical data on the experts, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged) and the kinds of assistance they could provide;

(c) Seeking their further advice as to the elaboration of principles, guidance, procedures, mechanisms, practical experience and training, in addition to the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

3. Also requests the Secretary-General to continue efforts to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of persons who have disappeared;

4. Further requests the Secretary-General annually to update this list and to make it available to the working groups, special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these forensic experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. Requests the Secretary-General to ensure that the forensic experts abide by the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989;

6. Also requests the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

7. Further requests the Secretary-General to report to the Commission at its fifty-fourth session on progress made in this matter, including:

(a) The availability of a comprehensive and up-to-date list of experts containing biographical data and indications of availability;

(b) A revised standard arrangement or cooperation service agreement regulating the use of forensic experts, including provisions for the protection of forensic experts who so serve; as well as to make such recommendations as he may consider appropriate;

8. Invites the Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat to consider the possibility of revising the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions in the light of practical experience with the Manual and the comments received;

9. Decides to consider the question at its fifty-fourth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

10. Also decides to recommend to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/32. Human rights in the administration of justice, in particular of children and juveniles in detention

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

Guided also by the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Emphasizing the importance of coordinating the activities in the field of the administration of justice carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice,

Noting that women, juveniles and children are frequently the most vulnerable victims of human rights violations in the administration of justice and that the identification and reporting of these violations demand special vigilance,

Aware of the specific situation of children and juveniles in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Welcoming the important activities of the Committee on the Rights of the Child, the Commission on Crime Prevention and Criminal Justice, the United Nations Children's Fund, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on the sale of children, child prostitution and child pornography with regard to the special needs of children and juveniles in detention,

Noting that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it includes in its conclusions on reports of States parties concrete recommendations concerning the provision of advisory services and technical cooperation in this field,

Recalling the recommendations of the Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders (A/CONF.169/16) concerning juvenile justice and children as victims and perpetrators of crime,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Reaffirming that the best interests of the child and the juvenile must be a primary consideration in all decisions concerning the deprivation of their liberty,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1996/31 and Add.1) and the replies received from a number of Governments;

2. Reaffirms the importance of the full implementation of all relevant United Nations standards on human rights in the administration of justice;

3. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of these standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

6. Invites Governments to provide training in human rights and the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including police and immigration officers;

7. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice and to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures of advisory services and technical assistance;

8. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructures in the field of the administration of justice;

9. Urges the United Nations High Commissioner for Human Rights to consider favourably requests by States for assistance in the field of the administration of justice and to strengthen system-wide coordination in this field, in particular between the United Nations programme of advisory services and technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

10. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

11. Calls upon all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice;

12. Urges States to take fully into account, in their national legislation and practice, and disseminate widely the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

13. Also urges States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children and juveniles are separated, as appropriate, from adults;

14. Recommends that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders promote assistance to allow children to take responsibility for their actions and to encourage, inter alia, reparation, mediation and restitution, especially for the direct victim of the crime;

15. Requests the United Nations High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice and, in close cooperation with the Committee on the Rights of the Child, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice, in particular within the framework of his Plan of Action to strengthen the implementation of the Convention on the Rights of the Child;

16. Requests the Secretary-General to report to the Commission at its fifty-third session on the implementation of the present resolution;

17. Decides to consider this question at its fifty-third session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/33. Torture and other cruel, inhuman or degrading treatment or punishment

A

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling also General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Recalling further the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part I, paragraph 30, in which the World Conference stated that torture and other cruel, inhuman or degrading treatment or punishment constituted serious obstacles to the full enjoyment of all human rights, and Part II, paragraphs 54 to 61, in which the World Conference urged States to put an immediate end to the practice of torture and to eradicate that evil forever, abrogate legislation leading to impunity for gross violations of human rights such as torture and prosecute such violations, and stated that providing the necessary resources for assistance to victims of torture should be given high priority, inter alia by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Bearing in mind its resolution 1995/37 of 3 March 1995,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Stressing that torture constitutes a criminal attempt to destroy a fellow human being physically and mentally which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of any practice of torture and other cruel, inhuman or degrading treatment or punishment,

Drawing attention to the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169 of 17 December 1979, annex), the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Recalling article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that each State party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment,

Noting the progress made at the fourth session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

Recalling General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Noting the increasing number of applications to be processed and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Noting also the information provided by the Secretary-General in his reports on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1996/33 and Add.1 and A/50/512),

Noting with satisfaction the existence and rapid expansion of an international network of centres for the rehabilitation of torture victims, which play an important role in providing assistance to victims of torture, and the collaboration of the Fund with these centres,

Stressing that under article 4 of the Convention acts of torture must be made an offence under criminal laws of States and are a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment,

1. Urges all States to become parties to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment as a matter of priority;

2. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing reservations made to article 20;

3. Encourages States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1996/34);

5. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and, in particular, of the section relating to freedom from torture;

6. Welcomes the report of the Committee against Torture on its thirteenth and fourteenth sessions (A/50/44);

7. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States parties;

8. Reminds all States that Part II, paragraph 60, of the Vienna Declaration and Programme of Action reads "States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law";

9. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical facilities to ensure the effective performance of the functions of the Committee against Torture;

10. Urges States parties whose arrears predate the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

11. Emphasizes the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the

High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

12. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished;

13. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-third session and present an updated assessment of the global need for rehabilitation services for torture victims and any need for international funding in this respect;

14. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

15. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, and if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

16. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

17. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

18. Also renews its request to the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions;

19. Requests the Secretary-General, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23, Part II, para. 16) to ensure strict and transparent project management rules for the Fund and to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the projects supported by the Fund;

20. Also requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical facilities to ensure the efficient operation and management of the Fund;

21. Further requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis and to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

22. Decides to continue to consider these questions at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

B

The Commission on Human Rights,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur on torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for a further three years in paragraph 13 of its resolution 1995/37 B of 3 March 1995, while maintaining the annual reporting cycle,

Recalling also the conclusions and recommendations of the Special Rapporteur that the Commission on Human Rights underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991, 1992/32 of 28 February 1992, 1993/40 of 5 March 1993, 1994/37 of 4 March 1994 and 1995/37 of 3 March 1995,

1. Commends the Special Rapporteur on his report (E/CN.4/1996/35 and Add.1 and 2);

2. Stresses the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years as contained in document E/CN.4/1995/34;

3. Stresses in particular that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that all allegations of any such acts should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts should obtain redress, be awarded fair and adequate compensation and appropriate socio-medical rehabilitation;

4. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

5. Invites the Special Rapporteur to examine questions concerning torture directed primarily against women and children and conditions conducive to such torture, and to make appropriate recommendations concerning the prevention of gender-specific forms of torture and the torture of children;

6. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals;

7. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

8. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

9. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

10. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

11. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all his activities in order to enable him to submit his report to the Commission at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/34. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular, Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95 thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling also the Statement of Principles of the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Centre for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

Taking note of the second report (E/CN.4/1996/37) submitted by the Special Rapporteur on the implementation of his mandate,

1. Takes note of the second report submitted by the Special Rapporteur on the activities relating to his mandate;

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Centre for Human Rights;

5. Invites the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Requests the Secretary-General, within the limits of the existing regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

9. Requests the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-third session, and decides to consider this question at that session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VII.]

1996/35. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should continue to be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established policies for the reparation of victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994 in which it expressed the hope that priority attention would be given to this question, in particular on the specific field of violations of human rights, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose, and recommended that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, in conformity with Sub-Commission resolution 1993/29, take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission,

Recalling also its resolution 1995/34 of 3 March 1995 in which it requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms,

Taking note of the report (E/CN.4/1996/29) of the Secretary-General submitted to the Commission in compliance with its resolution 1995/34,

1. Calls upon the international community to give increased attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

2. Encourages the Sub-Commission to continue to give consideration to the proposed basic principles and guidelines at its forty-eighth session, in accordance with its decision 1995/117 of 24 August 1995, with a view to making substantial progress on this matter in the specific field of violations of human rights;

3. Expresses its appreciation to States that provided information on the matter to the Secretary-General, in compliance with resolution 1995/34, for their valuable contribution in this field;

4. Requests States that have not yet done so to provide information to the Secretary-General on the legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

5. Expresses its appreciation to the Secretary-General for his report (E/CN.4/1996/29 and Add.1 and 2);

6. Requests the Secretary-General to prepare an additional report, taking into account the information provided by States, for submission to the Commission at its fifty-third session;

7. Decides to continue to consider this matter at its fifty-third session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/36. Question of human rights and states of emergency

The Commission on Human Rights,

Endorsing resolution 1995/33 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/37. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, by which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66) intended to establish a preventive system based on visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for discussion the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 3 March 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Recalling subsequent resolutions, in particular its resolution 1995/33 of 25 July 1995, by which it requested the working group to hold meetings in order to continue its work and to submit a new report,

Considering that the members of the working group agreed that some progress had been made which permitted the conclusion of the first reading of the draft at the fourth session and that a continuation of the work in the same way offered the prospect of the elaboration, within a reasonable period, of a text which could be of great value in the field of the prevention of torture,

Recalling that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would be intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1996/28), and warmly welcomes the conclusion of the first reading of the draft during the working group's fourth session;

2. Requests the open-ended working group to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue its work, including the beginning of the second reading on the basis of the results of the first reading, as contained in document E/CN.4/1996/28,

as well as on the basis of the original text (E/CN.4/1991/66), with a view to the expeditious completion of a final and substantive text; it also requests the working group to submit a new report to it;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-third session of the Commission;

6. Decides to examine the report of the working group at its fifty-third session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/38. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft

United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

Recalling also General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

1. Takes note of the report of the working group (E/CN.4/1996/84), and welcomes the positive start to the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedure proposed in the annex to Commission on Human Rights resolution 1995/32 of 3 March 1995;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-third session of the Commission on Human Rights, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedure set out in the annex to Commission on Human Rights resolution 1995/32;

6. Requests the working group to submit a progress report to the Commission on Human Rights at its fifty-third session;

7. Decides to consider the report of the working group at its fifty-third session under the agenda item entitled "Indigenous issues";

8. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/39. International Decade of the World's Indigenous People

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its previous resolutions and those of the General Assembly on the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling the invitation addressed by the General Assembly to organizations of indigenous people and other non-governmental organizations concerned to consider the contributions they can make to the success of the Decade, with a view to presenting them to the Working Group on Indigenous Populations,

Noting Economic and Social Council decision 1992/255 of 20 July 1992, in which the Council requested United Nations bodies and specialized agencies to ensure that all technical assistance financed or provided by them was compatible with international instruments and standards applicable to indigenous people, and encouraged efforts to promote coordination in this field and greater participation of indigenous people in the planning and implementation of projects affecting them,

1. Affirms its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and its conviction that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

2. Takes note of the final report of the Secretary-General on a comprehensive programme of action for the International Decade of the World's Indigenous People and the annexes to that report (A/50/511);

3. Welcomes the decision of the General Assembly to adopt the programme of activities for the Decade contained in the annex to its resolution 50/157;

4. Notes that the programme of activities for the Decade may be reviewed and updated throughout the Decade and that at the mid-point of the Decade the Economic and Social Council and the General Assembly should review the results of the activities to identify obstacles to achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles;

5. Welcomes the affirmation by the General Assembly as a major objective of the Decade the adoption of a declaration on the rights of indigenous people;

6. Also welcomes the recognition by the General Assembly that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people within the United Nations;

7. Recognizes the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems and, for these purposes, invites the Coordinator of the Decade to recommend appropriate means of implementing the recommendation of the General Assembly that the United Nations University consider the possibility of sponsoring, in each region, one or more institutions of higher education as centres of excellence and for the diffusion of expertise;

8. Welcomes the recommendations and requests contained in paragraphs 8, 9, 11, 13, 14 and 15 of General Assembly resolution 50/157, and invites the United Nations High Commissioner for Human Rights and the Coordinator of the Decade to implement them as a matter of priority from within existing resources and to provide informal briefings on activities undertaken for the Decade within the United Nations system, including a review of activities in 1995 and those planned for 1996, and to report to the Commission on Human Rights at its fifty-third session under the agenda item entitled "Indigenous issues";

9. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

10. Also emphasizes the importance of action at the national level for the implementation of the goals and activities of the Decade;

11. Encourages Governments to support the Decade by contributing to the United Nations Trust Fund for the Decade;

12. Also encourages Governments, as appropriate, to support the Decade by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(b) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

13. Further encourages Governments to consider contributing, as appropriate, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean, in support of the achievement of the goals of the Decade;

14. Welcomes the establishment by the Coordinator of the Decade of an advisory body to provide guidance with regard to the projects and programmes financed from the Voluntary Fund for the International Decade of the World's Indigenous People;

15. Appeals to Governments and intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

16. Requests the United Nations High Commissioner for Human Rights, when developing programmes within the framework of the United Nations Decade for Human Rights Education, to give due regard to the dissemination of information on the situation, cultures, languages, rights and aspirations of indigenous people;

17. Encourages the United Nations High Commissioner for Human Rights and the Coordinator of the Decade to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

18. Notes that the General Assembly, in paragraph 9 of the annex to its resolution 50/157, stated that official observance of the Decade should be part of the United Nations Conference on Human Settlements (Habitat II);

19. Decides to consider the International Decade of the World's Indigenous People at its fifty-third session under the agenda item entitled "Indigenous issues".

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/40. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action,

Noting General Assembly resolution 50/157 of 21 December 1995 in which the Assembly adopted the programme of activities for the International Decade of the World's Indigenous People,

Having examined the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1995/24),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people,

Bearing in mind that international standards must be developed on the basis of the diverse situations and aspirations of the world's indigenous people,

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session (E/CN.4/1996/2-E/CN.4/Sub.2/1996/51);

2. Expresses its appreciation and satisfaction to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work;

3. Also expresses its appreciation to observers who participated in the thirteenth session of the Working Group on Indigenous Populations for their active and constructive participation in its work;

4. Recommends to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the forty-eighth session of the Sub-Commission;

5. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

6. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight at its fourteenth session, under a sub-item of the item dealing with review of developments, the question of indigenous people and health;

7. Takes note of the recommendation of the Working Group that the Chairperson-Rapporteur address the concept of indigenous people, notes that any work should take into account the views of Governments and organizations of indigenous people, and requests that discussion of this issue take place during the fourteenth session of the Working Group under the existing agenda item on standard-setting and that the report of the Working Group be transmitted to Governments and organizations of indigenous people prior to the next session of the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with resolution 1995/32;

8. Invites the Working Group to continue its consideration as to whether there are ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced;

9. Also invites the Working Group to include in its future work the review of international activities undertaken during the International Decade of the World's Indigenous People and to receive information from Governments on the implementation of the goals of the Decade in their respective countries, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Requests the Working Group to include in the agenda of its fourteenth session the question of how it will contribute to the Secretary-General's review of existing mechanisms, procedures and programmes concerning indigenous people, providing information in that regard on its mandate and current work programme of the Working Group;

11. Requests the Secretary-General to give adequate resources and assistance, from within existing resources, to the Working Group in discharging its tasks, including adequate dissemination of information about

the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

12. Also requests the Secretary-General, from within existing resources:

(a) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

(b) To ensure that all meetings of the Working Group at its fourteenth session are provided with interpretation and documentation;

13. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

14. Appeals to all Governments, organizations and individuals in a position to do so to consider requests for further contributions to the Fund;

15. Encourages all the initiatives that can be taken by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/41. A permanent forum for indigenous people in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered,

Recalling also the recommendations of the United Nations Conference on Environment and Development to involve indigenous people and their communities in the United Nations programmes of environment and development as stated in article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21,

Recalling further its previous resolutions 1994/28 of 4 March 1994 and 1995/30 of 3 March 1995, as well as General Assembly resolutions 49/214 of 23 December 1994 and 50/157 of 21 December 1995,

Taking note of the document entitled "Consideration of a permanent forum for indigenous people: report of the workshop held in accordance with Commission resolution 1995/30, Copenhagen, 26-28 June 1995" (E/CN.4/Sub.2/AC.4/1995/7), the comments received by the Centre for Human Rights thereon, the comments and suggestions of the Working Group on Indigenous Populations contained in its report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/24) and resolution 1995/39 of 24 August 1995 entitled "Permanent forum in the United Nations for indigenous people" adopted by the Sub-Commission at its forty-seventh session,

Recalling that the programme of activities for the International Decade of the World's Indigenous People adopted by the General Assembly in its resolution 50/157 recognizes among the important objectives of the Decade that consideration be given to the establishment of a permanent forum for indigenous people in the United Nations system,

Recognizing the importance of involving indigenous people and their organizations in the consideration of the possible establishment of a permanent forum, and acknowledging the important role of the Working Group on Indigenous Populations in this respect,

1. Endorses the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the Secretary-General transmit the document entitled "Consideration of a permanent forum for indigenous people: report of the workshop held in accordance with Commission resolution 1995/30, Copenhagen, 26-28 June 1995" (E/CN.4/Sub.2/AC.4/1995/7) and the comments received by the Centre for Human Rights thereon to Governments and organizations of indigenous people, inviting them to express their views concerning the question of the establishment of a permanent forum for indigenous people and to report on the comments and suggestions received to the Working Group on Indigenous Populations at its fourteenth session;

2. Requests the Secretary-General to transmit the document entitled "Consideration of a permanent forum for indigenous people: report of the workshop held in accordance with Commission resolution 1995/30, Copenhagen, 26-28 June 1995" and the comments thereon received by the Centre for Human Rights to relevant intergovernmental organizations;

3. Welcomes the recommendation of the General Assembly, as contained in Assembly resolution 50/157, that the Secretary-General, drawing on the expertise of the Commission on Human Rights, as well as the Commission for Sustainable Development and other relevant bodies, undertake a review, in close consultation with Governments and taking into account the views of indigenous people, of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and to report to the General Assembly at its fifty-first session;

4. Requests the Secretary-General to ensure, from within existing resources, the implementation of the review in order to have it completed and circulated to Governments, relevant intergovernmental organizations and organizations of indigenous people for their comments well in advance of the fifty-first session of the General Assembly;

5. Urges the relevant United Nations bodies, specialized agencies and financial institutions responsible for the existing mechanisms, procedures and programmes concerning indigenous people to facilitate the completion in full and on time of the review to be conducted by the Secretary-General in accordance with General Assembly resolution 50/157;

6. Requests the Working Group on Indigenous Populations at its fourteenth session to continue to give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its further comments and suggestions, through the Sub-Commission, to the Commission on Human Rights at its fifty-third session;

7. Requests in particular the Working Group on Indigenous Populations to place the Working Group's own contribution to the review of existing mechanisms, procedures and programmes concerning indigenous people on the agenda of its fourteenth session, and requests the Secretary-General to invite relevant United Nations bodies and specialized agencies to submit written information on their contributions to the review to be conducted by the Secretary-General in accordance with General Assembly resolution 50/157;

8. Requests the Secretary-General to make this information available to the Working Group on Indigenous Populations in advance of its fourteenth session;

9. Takes note of the recommendation of the General Assembly as contained in Assembly resolution 50/157 that the Commission on Human Rights, drawing on the experience of the Copenhagen workshop and the results of the review to be conducted by the Secretary-General, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people with the participation of independent experts, as well as representatives of Governments, organizations of indigenous people and other non-governmental organizations concerned and United Nations bodies and specialized agencies;

10. Decides to continue the consideration of a second workshop at its fifty-third session in the context of the Commission's continued consideration of the possible establishment of a permanent forum under the agenda item entitled "Indigenous issues";

11. Requests the Secretary-General to provide the Commission at its fifty-third session with a report on the activities undertaken and information received in pursuance of the present resolution.

52nd meeting
19 April 1996

[Adopted without a vote. See chap. XXIII.]

1996/42. Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Universal Declaration provides an opportunity for the United Nations and Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis for progress in the field of human rights, and taking note of the improvements achieved in that field during the past five decades through national and international solidarity and efforts,

Concerned that international human rights standards are not fully respected worldwide and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity of respecting human rights and fundamental freedoms and to strengthen United Nations efforts in this regard,

Recalling the significance and the message of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Requests the United Nations High Commissioner for Human Rights to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind provisions in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration, to identify obstacles to achieving progress in this area and ways in which they can be overcome and to undertake additional efforts to develop programmes of education and information, with a view to disseminating the text and arriving at a better understanding of the universal message of the Declaration;

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations therefor;

4. Calls upon relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and the impact of existing international human rights instruments;

5. Invites relevant United Nations organs and agencies, in coordination with the High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

6. Invites non-governmental organizations and national institutions to participate fully in the preparation of the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the United Nations High Commissioner for Human Rights;

7. Decides to review at its fifty-third session the state of preparation of the fiftieth anniversary of the Universal Declaration of Human Rights and to consider further measures in this regard, including its own contribution in the matter.

52nd meeting
19 April 1996

[Adopted without a vote. See chap. IX.]

1996/43. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recognizing that the increasing challenges presented by HIV/AIDS require intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Recalling its resolution 1995/44 of 3 March 1995 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the Final Declaration of the Paris AIDS Summit, of 1 December 1994, the Cairo Programme of Action (A/CONF.171/13), the Copenhagen Declaration and Programme of Action (A/CONF.166/9), the Beijing Declaration and Platform for Action (A/CONF.177/20) and the New Delhi Declaration and Action Plan on HIV/AIDS: Law and Humanity, of 10 December 1995, in all of which the pledge was made to promote and protect the rights of people infected and affected by HIV/AIDS,

Welcoming also the establishment of the Joint United Nations Programme on HIV/AIDS (UNAIDS),

Acknowledging the significant role of UNAIDS and other bodies of the United Nations system, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in fighting discrimination against people living with HIV/AIDS,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection and to its impact, if infected,

Concerned also that people living with HIV/AIDS, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35 of 14 May 1992, there is no public health rationale for any measures that limit arbitrarily the rights of the individual, notably measures establishing mandatory screening,

Concerned that HIV/AIDS-related human rights issues are still not being adequately addressed by United Nations human rights bodies and human rights non-governmental organizations,

Emphasizing the responsibility of Governments to take measures to counter stigmatization of and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Recognizing that HIV transmission can be prevented through informed and responsible behaviour, and emphasizing the role and responsibility of individuals, groups and organs of society aimed at promoting, in a spirit of human solidarity and tolerance, a social environment supportive of the effective prevention and eradication of the root causes of the HIV/AIDS pandemic,

Welcoming the report of the Secretary-General on human rights and HIV/AIDS (E/CN.4/1996/44), which addresses the development of a human rights component within UNAIDS, ways to keep under review the protection of human rights and prevention of discrimination in the context of HIV/AIDS, and on the elaboration of guidelines for States on the protection and promotion of fundamental human rights and freedoms in the context of HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to ensure, where necessary, that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV, in particular with respect to women, children and vulnerable groups;

3. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political,

economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups;

4. Invites States to involve non-governmental and community-based organizations and people living with HIV/AIDS in the formulation and implementation of public policies, including the support of participatory programmes for prevention, care and social support among vulnerable and marginalized populations;

5. Calls upon States to take all necessary steps, in particular appropriate education and information for all individuals, including children and adolescents, to facilitate informed and responsible behaviour;

6. Recognizes the need to protect women and children from sexual abuse, violence and discrimination, and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women to address those aspects of discrimination and violence against women and children which increase their vulnerability to infection and to the impact of HIV/AIDS;

7. Urges all United Nations human rights bodies, including treaty bodies, special rapporteurs and representatives of working groups of the Commission, to keep under review the protection of HIV-related human rights in relation to their respective mandates, as recommended in the Secretary-General's report, and, where relevant, to give full attention to monitoring States parties' compliance with their human rights commitments to reduce vulnerability to HIV/AIDS and to protect the rights of people affected by HIV/AIDS;

8. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

9. Urges UNAIDS to continue the process of incorporating a strong human rights component in all its activities and to establish with the Centre for Human Rights a framework for close and ongoing cooperation;

10. Requests the United Nations High Commissioner for Human Rights to continue his efforts, in cooperation with UNAIDS and non-governmental organizations, as well as groups of people living with HIV/AIDS, towards the elaboration of guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS, to ensure sufficient support, from within existing resources, to the Centre for Human Rights to address HIV/AIDS-related issues and to incorporate these, as appropriate, in all the Centre's activities;

11. Requests the Secretary-General to prepare for the consideration of the Commission at its fifty-third session a final report on the above-mentioned guidelines, including the outcome of the second expert consultation on human rights and AIDS, and on their international dissemination.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/44. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

Taking into account Commission on Human Rights resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and its practical application, should be established as a priority in education policies,

Believing that each woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education contributes to a concept of development consistent with the dignity of women and men of all ages which takes into account the diversity of society including children, indigenous people, minorities and disabled persons,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling General Assembly resolution 49/184 of 23 December 1994 by which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade, as contained in the report of the Secretary-General (A/49/261-E/1994/110/Add.1, annex), and requested the United Nations High Commissioner for Human Rights to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 50/177 of 22 December 1995 by which the Assembly appealed to all Governments to contribute to the implementation of the Plan of Action and, in particular, in accordance with national conditions, to establish a national focal point (national committee) for human rights education and a resource and training centre for human rights education or, where such a centre already exists, to work towards its strengthening, and to develop and implement an action-oriented national plan for human rights education, as foreseen in the Plan of Action,

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade on Human Rights Education (E/CN.4/1996/51);

2. Requests the United Nations High Commissioner for Human Rights to accelerate, within existing resources, the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action, focal points and centres of human rights education in Member States in accordance with national conditions;

3. Invites all Governments to consider the establishment, in accordance with national conditions, of national focal points and plans of action for the implementation of the Plan of Action of the Decade, including the building and strengthening of programmes and capacities for formal and informal human rights education and cooperation with non-governmental organizations and the private sector in pursuing the objectives of the Plan of Action;

4. Requests human rights monitoring bodies to consider adopting a general comment on human rights education, placing emphasis on the implementation by Member States of their international obligation to promote human rights education;

5. Invites all relevant specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, United Nations programmes, especially the United Nations Children's Fund, and other intergovernmental organizations to

enhance their contribution, within their respective spheres of competence, to the implementation of the Plan of Action and to continue cooperating with the High Commissioner for that purpose;

6. Calls upon international, regional and national non-governmental organizations, in particular those concerned with women, children, indigenous people, minorities, labour, development and the environment, as well as other social justice groups, human rights advocates, educators, religious and community organizations and the media, to increase their involvement in formal and non-formal education in human rights and to cooperate with the High Commissioner and the Centre for Human Rights in implementing the Plan of Action;

7. Invites the United Nations High Commissioner for Human Rights to seek the views of States on ways and means to increase support to the Decade, with special emphasis on activities of non-governmental organizations in the field of human rights education, and on the advisability of establishing a voluntary fund for this purpose, and to include this information in his report to the fifty-third session of the Commission on Human Rights;

8. Decides to continue consideration of the question of human rights education at its fifty-third session under the same agenda item.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/45. The Olympic Ideal

The Commission on Human Rights,

Recalling the basic principles of the Universal Declaration of Human Rights which, inter alia, provide that it is essential to promote the development of friendly relations between nations and that education shall be directed to the full development of the personality and to the strengthening of respect for human rights and to promote understanding, tolerance and friendship among all nations for the maintenance of peace,

Recalling also the value of the equal rights of men and women to the enjoyment of all economic, social and cultural rights and the recognition of the right of everyone to take part in cultural life,

Recalling further General Assembly resolution 48/11 of 25 October 1993 in which, inter alia, the Assembly, recognizing that the goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practised without discrimination of any kind and in the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play, recognized the efforts to restore the ancient Greek tradition of ekecheria, or Olympic Truce, calling for all hostilities to cease during the Olympic Games, thereby mobilizing the youth of the world in the cause of peace,

Bearing in mind General Assembly resolution 50/13 of 7 November 1995 on the Olympic Ideal,

Taking into account in particular the sixth paragraph of General Assembly resolution 49/29 of 7 December 1994,

1. Stresses the importance of the principles of the Olympic Charter, according to which any form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement;

2. Reaffirms that sports may contribute to the promotion and social integration of target groups, such as women and youth;

3. Expresses its satisfaction that the General Assembly, at its fiftieth session, decided to include in its agenda a biennial item entitled "Building a peaceful and better world through sport and the Olympic Ideal", to be considered in advance of each Summer and Winter Olympic Games;

4. Maintains its support for the Olympic Ideal on the occasion of the eve of the centenary of the revival of the Olympic Games in 1896 at Athens, at the initiative of a French educator, Baron Pierre de Coubertin;

5. Recognizes that the Olympic Games have exemplified excellence through education and cultural expression;

6. Reaffirms once again the valuable contribution of the Olympic Movement to the promotion, protection and implementation of human rights and to the creation of global friendship and the maintenance of world peace;

7. Urges all States to take the necessary and appropriate measures for the equal and full participation, without any discrimination, of women and men in the Olympic Games in accordance with the spirit of the Olympic Ideal and the principles of the Olympic Movement.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/46. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of all human rights have earned an important position among its human rights monitoring mechanisms,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

Mindful that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991, 1992/41 of 28 February 1992, 1993/47 of 9 March 1993, 1994/53 of 4 March 1994 and 1995/87 of 8 March 1995,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

Recalling further recommendations contained in the Vienna Declaration and Programme of Action (A/CONF.157/23), especially in Part II, paragraph 95, in which the World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission,

Recalling Part II, paragraph 88, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights recommended that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

Recalling also the meetings of the special rapporteurs, representatives, experts and members or chairmen of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the United Nations High Commissioner for Human Rights, held from 14 to 16 June 1993, on the occasion of the World Conference on Human Rights, from 30 May to 1 June 1994 and from 29 to 31 May 1995,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

Noting General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

4. Also encourages all Governments to cooperate more closely with the Commission through the pertinent thematic procedures and, where appropriate, by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their reports information provided by Governments on follow-up action, and in their conclusions their own observations thereon, including in regard to both problems and improvements, as appropriate;

7. Invites the non-governmental organizations to continue their cooperation with thematic procedures, and to ascertain that the material provided falls under the mandates of these procedures and contains the required elements;

8. Takes note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the United Nations High Commissioner for Human Rights, held from 30 May to 1 June 1994 (E/CN.4/1995/5, annex, paras. 25-26) and from 29 to 31 May 1995 (E/CN.4/1996/50, annex, paras. 62-74);

9. Encourages the thematic special rapporteurs and working groups to make recommendations for the avoidance of human rights violations;

10. Also encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

11. Further encourages the thematic special rapporteurs and working groups to continue close cooperation with relevant treaty bodies and country rapporteurs;

12. Encourages the United Nations High Commissioner for Human Rights further to strengthen cooperation among the thematic special rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and

effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

13. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Centre for Human Rights;

14. Calls upon the thematic special rapporteurs and working groups to include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

15. Suggests that the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights consider how these mechanisms can make available information on the particular situation of individuals working for the promotion and protection of all human rights and fundamental freedoms and how their protection can be enhanced, taking into account the ongoing deliberations of the relevant working group of the Commission;

16. Requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

17. Welcomes the joint declaration (A/CONF.157/9) of the independent experts responsible for the special procedures for the protection of human rights, of 17 June 1993;

18. Requests the Secretary-General to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairmen of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

19. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1996-1997, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission;

20. Further requests the Secretary-General to present annually a list of all persons currently constituting the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission on Human Rights.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/47. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling and reaffirming General Assembly resolutions 49/60 of 9 December 1994 and 50/186 of 22 December 1995, and its own resolution 1995/43 of 3 March 1995,

Recalling also resolution 1994/18 of 25 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the Co-Chairmen's statement adopted at the Summit of Peacemakers on 13 March 1996 in Sharm El Sheikh, Egypt,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified as a means to promote and protect human rights,

Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between terrorist groups and the illegal traffic in arms and drugs, as well as the consequent commission of serious crimes,

Reaffirming that all measures to counter terrorism must be in strict conformity with international human rights standards,

1. Expresses its solidarity with the victims of terrorism;

2. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

3. Condemns incitement of ethnic hatred, violence and terrorism;

4. Calls upon States to take all necessary and effective measures, in accordance with relevant provisions of international law and international standards of human rights, to prevent, combat and eliminate terrorism, wherever and by whomever committed;

5. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

7. Notes that the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning the preparation of a working paper on the question of human rights and terrorism has not yet been carried out, and calls on the Sub-Commission to report to the Commission on this matter at its fifty-third session;

8. Requests the Secretary-General to continue to collect information on this question from all relevant sources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and to the Commission on Human Rights for their consideration;

9. Decides to continue consideration of the question at its fifty-third session as a matter of priority.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/48. Question of integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its resolutions 1995/86 of 8 March 1995 and 1994/45 of 3 March 1994,

Recalling also that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Bearing in mind that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and for steps to be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies,

Welcoming the successful convening of the Fourth World Conference on Women: Action for Equality, Development and Peace, held in Beijing from 4 to 15 September 1995, and the significant contribution the Conference has made to the promotion of the human rights of women and the girl child, and encouraging all States to take practical measures to implement the Beijing Declaration and Platform for Action (A/CONF.177/20),

Recognizing the major role of the Commission on the Status of Women in promoting equality between women and men, and recalling resolution 40/3 on mainstreaming the human rights of women adopted by the Commission at its fortieth session,

Welcoming the appointment of a high-level adviser on gender issues in the Office of the Secretary-General,

Bearing in mind that, in the Platform for Action, the Fourth World Conference on Women called on all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. Calls for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

2. Encourages the efforts made by the United Nations High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women;

3. Encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women;

4. Encourages the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Centre for Human Rights and the Division for the Advancement of Women, and requests that the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women be made available to the Commission on Human Rights at its fifty-third session as well as the Commission on the Status of Women at its forty-first session;

5. Welcomes the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex), and requests the Secretary-General to distribute the report widely, including within the Centre for Human Rights and to the special rapporteurs and experts;

6. Also welcomes the recommendation by the chairpersons of the human rights treaty bodies that each treaty body consider how it might most effectively integrate a gender perspective into its work and, in particular:

(a) Integrate a gender perspective into its pre-sessional and sessional working methods, and consider the gender implications of each issue discussed under each of the articles of its respective instrument;

(b) Amend its guidelines for the preparation of reports by States parties to include specific information on the human rights of women and gender-disaggregated data;

(c) Exchange information with other treaty bodies on the human rights of women and the use of gender-inclusive language in preparing reports of the sessions of the treaty bodies;

7. Urges States to consider the gender composition of the treaty bodies when nominating and electing candidates to such bodies;

8. Recalls that the Beijing Platform for Action urged States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;

9. Notes that the meeting of the special rapporteurs and chairpersons of working groups of the special procedures of the Commission on Human Rights has begun to consider the question of integrating the human rights of women into their work, and stresses the need for further consideration and qualitative analysis of this issue at their next meeting and its practical application in their work;

10. Encourages improved coordination among the specialized agencies and funds of the United Nations system, particularly the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund, in order to promote the human rights of women through a systematic and periodic exchange of information, experience and expertise, and requests the United Nations High Commissioner for Human Rights to bring the present resolution to their attention;

11. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully

take into account the gender aspects of their work, and, in particular, encourages the Centre for Human Rights to ensure that its information and training materials, including the Manual on Human Rights Reporting (United Nations publication, Sales No. E.91.XIV.1), incorporate a gender perspective;

12. Invites the United Nations High Commissioner for Human Rights to consider assigning to a high-level post within his Office the task of providing advice on integrating the human rights of women throughout the Centre for Human Rights and liaising with other relevant United Nations bodies in this regard;

13. Requests States and the relevant United Nations bodies to include in their human rights education activities information on the human rights of women;

14. Requests the Secretary-General to report on the implementation of the present resolution at its fifty-third session;

15. Decides to continue its consideration of the question at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/49. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women,

Bearing in mind that violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms,

Mindful that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action (A/CONF.177/20), such as those on violence against women, women and armed conflict and the human rights of women,

Noting with appreciation the Special Rapporteur's active participation in the preparatory process for the Fourth World Conference on Women: Action for Equality, Development and Peace and in the Conference itself,

Welcoming the adoption of General Assembly resolution 50/166 of 22 December 1995 on the role of the United Nations Development Fund for Women in eliminating violence against women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report (E/CN.4/1996/53 and Add.1 and 2);

2. Encourages the Special Rapporteur in her work on violence in the community;

3. Commends the Special Rapporteur for her analysis of violence in the family;

4. Condemns all acts of gender-based violence against women, and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons and to provide access to just and effective remedies and specialized assistance to victims;

5. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

6. Takes note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms;

7. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family, and calls on States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;

(c) To enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's suggested guidelines;

(d) To create, improve or develop, as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and

police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;

(e) To enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(f) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(g) To promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;

(h) To cooperate with other competent mechanisms, such as the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudiciary, summary or arbitrary executions, in relation to violence against women;

(i) To enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography;

8. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it;

9. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;

10. Welcomes the decision of the Commission on the Status of Women, at its fortieth session, to renew the open-ended working group established to develop an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, taking into account the recommendations of the Special Rapporteur in regard to an optional protocol;

11. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications;

12. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

13. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

14. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

15. Decides to continue consideration of the question as a matter of high priority at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/50. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own relevant resolutions concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 48/134 of 20 December 1993, Commission on Human Rights resolution 1995/50 of 3 March 1995 and General Assembly resolution 50/176 of 22 December 1995,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, that is, independent and pluralistic national institutions for the promotion and protection of human rights, expressed during the regional preparatory meetings for the World Conference on Human Rights and at the Conference itself, as well as at the various international meetings of national institutions for the promotion and protection of human rights held since 1991,

Convinced of the important role national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to that resolution,

Welcoming the decision, announced recently by several States, to establish, or consider establishing national institutions for the promotion and protection of human rights,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace (A/CONF.177/20), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women, as recommended by the World Conference on Human Rights,

Recalling that, at the World Conference on Human Rights, representatives of national institutions who attended as observers played a positive and constructive role in the deliberations of the Conference,

Noting with satisfaction the convening of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights in Manila from 18 to 21 April 1995 and the first African Conference of Human Rights National Institutions in Yaounde from 5 to 7 February 1996,

Taking note of the decision by one Government to provide funding for the appointment of a special adviser to the United Nations High Commissioner for Human Rights on national human rights institutions,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action, and, where appropriate, to incorporate the elements identified in that Declaration and Programme of Action in national development plans or in their preparation of national action plans;

3. Also encourages all Member States to take appropriate steps to promote the exchange, in particular by national institutions, of information and experience concerning the establishment and operation of national institutions;

4. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134, as widely as possible, and calls upon the Secretary-General to undertake this task;

5. Affirms the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities, including those of the United Nations;

6. Requests the Secretary-General to continue to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

7. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to continue to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;

8. Requests the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

9. Commends the intensified activities of the High Commissioner in promoting and strengthening national institutions;

10. Commends the Centre for Human Rights for the preparation and publication of the handbook National Human Rights Institutions (United Nations publication, Sales No. E.95.XIV.2);

11. Takes note of the role of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Tunis from 13 to 17 December 1993, in close cooperation with the Centre for Human Rights, to assist Governments and institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

12. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of and in cooperation with the Centre for Human Rights;

13. Takes note of the report of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Manila from 18 to 21 April 1995 (E/CN.4/1996/8), and the declaration and recommendations therein, in particular its recommendations relating to the participation of national institutions in the work of United Nations human rights bodies;

14. Also takes note of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1996/48 and Add.1), and notes the corresponding recommendation therein;

15. Considers that it would be appropriate for national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies, that consideration should be given to a definitive resolution of this question and that appropriate practices should be adopted in the interim to provide for their participation;

16. Requests the Secretary-General again to invite Member States which have not yet done so to inform him of their views concerning possible forms of participation by national institutions in meetings of the Commission on Human Rights and its subsidiary bodies and, in particular, to address themselves to possible measures which could provide for such participation, and to include the information provided by Governments in his report to the Commission at its fifty-third session;

17. Encourages Governments and national institutions to take account, in their policy and practice in this area, of the provisions contained in the Principles relating to the status of national institutions for the promotion and protection of human rights;

18. Encourages Governments to devise an information strategy to raise awareness among the general public and among all elements of civil society on the need to promote and protect human rights;

19. Requests the Secretary-General to convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held, if possible, in Latin America during 1996 or 1997, and to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund for the purpose of financing, where necessary, attendance by representatives of national institutions;

20. Recognizes the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

21. Requests the Secretary-General to report to the Commission at its fifty-third session on the implementation of the present resolution;

22. Decides to continue its consideration of this question at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/51. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the escalating scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1995/88 of 8 March 1995, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people and that there is a need for a comprehensive approach by the international community to address root causes and effects of movements of refugees and other displaced persons and for the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, such as human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and

environmental degradation, which indicate that any approach to early warning requires an intersectoral and multidisciplinary approach,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the important aspects of complementarity between the system for the protection of human rights and humanitarian action, and that humanitarian agencies make an important contribution to the achievement of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of, and preparedness for, emergencies, and welcoming also the participation of the United Nations High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming also the cooperation between the United Nations High Commissioner for Refugees, other relevant United Nations entities and the United Nations High Commissioner for Human Rights, with a view to ensuring complementarity of mandates and expertise in the areas of returnee monitoring and promotion, institution-building and rehabilitation projects,

Welcoming further the involvement of the Office of the High Commissioner for Refugees in activities in countries of actual or potential return, including the monitoring of returnees, in particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees, aimed at making effective the fundamental right of refugees to return to their own countries,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, acting within their mandates, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and the strengthening of emergency preparedness and response mechanisms, should be encouraged and further developed and coordinated, with priority given to the systematization of early warning information collection,

Recognizing that women and children constitute approximately 80 per cent of most refugee populations and that, in addition to the problems and needs they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusion on International Protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42), which is an important contribution to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying these because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Takes note of resolution 1995/13 of 18 August 1995 entitled "The right to freedom of movement" adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to devote the necessary resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the United Nations human rights treaty bodies acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay attention to situations which cause or threaten to cause mass exoduses and to address effectively such situations through emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation;

10. Welcomes the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and notes with appreciation the contribution made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to its development;

11. Notes with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peace-keeping Operations, reflecting the need for a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms;

12. Urges the Secretary-General to attach high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

13. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-third session;

14. Encourages States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant regional refugee instruments and relevant international human rights instruments;

15. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 thereof;

16. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-third session an update of the Secretary-General's report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution, as well as all relevant information on the human rights situations creating or affecting refugees and displaced persons;

17. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and displaced persons".

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/52. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Noting with concern that many serious situations of internal displacement do not receive sufficient attention and response,

Conscious of the human rights, as well as the humanitarian, dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, of international humanitarian law and analogous refugee law,

Bearing in mind General Assembly resolutions 49/169 of 23 December 1994 and 50/195 of 22 December 1996 and, in particular, the call by the General Assembly on the Commission to consider the question of establishing an appropriate legal framework for the internally displaced, on the basis of the report of the representative of the Secretary-General,

Recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,

Welcoming the call by the General Assembly for a more concerted response by the international community to the needs of internally displaced persons and the emphasis in the Vienna Declaration and Programme of Action (A/CONF.157/23) on the need to develop global strategies to address the problem of internal displacement,

Welcoming also the cooperation established between the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme and the Department of Humanitarian Affairs of the Secretariat as well as the International Committee of the Red Cross and other relevant international and regional organizations and agencies, and taking note with appreciation in particular of the appointment by the Inter-American Commission on Human Rights of a rapporteur on internally displaced persons following discussions with the representative of the Secretary-General,

Recalling Economic and Social Council resolution 1995/56 of 28 July 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations,

Noting the finding of the representative of the Secretary-General that a central coordination mechanism to assign responsibilities in emergency situations is essential, and welcoming in this context the establishment, by the Inter-Agency Standing Committee, of the Task Force on Internally Displaced Persons,

Welcoming the decision by the Inter-Agency Standing Committee to invite the representative of the Secretary-General to participate in its relevant meetings, as well as in its Task Force, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Recalling its resolution 1995/57 of 3 March 1995,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1996/52 and Add.1 and 2);

2. Also takes note with interest of the compilation and analysis of legal norms submitted by the representative of the Secretary-General, which concludes, in particular, that present international law provides sufficient protection for most of the specific needs of the internally displaced, although important areas of insufficient legal protection exist;

3. Commends the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

4. Also commends the representative of the Secretary-General for his efforts to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons;

5. Encourages the representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

6. Welcomes the specific attention paid by the representative of the Secretary-General to the protection and assistance needs of women and children in accordance with the relevant objectives in the Beijing Declaration and Platform for Action (A/CONF.177/20) and encourages him to continue to address these needs;

7. Emphasizes the need for better implementation of existing international law applicable to internally displaced persons;

8. Requests the Secretary-General to publish the compilation and analysis of legal norms prepared by his representative and to disseminate it widely;

9. Calls upon the representative of the Secretary-General to continue, on the basis of his compilation and analysis of legal norms, to develop an appropriate framework in this regard for the protection of internally displaced persons and to report thereon to the Commission at its fifty-third session;

10. Calls upon all Governments to continue to facilitate the activities of the representative of the Secretary-General, encourages them to give serious consideration to inviting him to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

11. Invites Governments to give due consideration, in dialogue with the representative of the Secretary-General, to his recommendations and suggestions and to make available information on measures taken thereon;

12. Expresses appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative of the Secretary-General;

13. Encourages the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department for Humanitarian Affairs of the Secretariat, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations to strengthen their cooperation further;

14. Calls upon these organizations and agencies to develop, in cooperation with the representative of the Secretary-General, the setting up of a more comprehensive and coherent system of data collection on the situation and protection of internally displaced persons;

15. Urges these organizations to establish, in particular through the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, frameworks of cooperation with the representative of the Secretary-General in order to provide all possible support to him in the implementation of his programme of activities, in particular by monitoring and identifying situations of internal displacement and bringing them to his attention, supporting timely intercessions and dialogue with authorities, ensuring timely and effective response by the appropriate agencies, and assisting in follow-up measures to his recommendations and suggestions;

16. Calls upon the representative of the Secretary-General and regional intergovernmental organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to intensify their cooperation with a view to enhancing their support for the representative of the Secretary-General and strengthening their initiatives to facilitate, through regional approaches, assistance to and protection of internally displaced persons;

17. Welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and to make them available to the representative of the Secretary-General;

18. Calls upon the United Nations High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation;

19. Requests the Secretary-General to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

20. Decides to continue its consideration of the question at its fifty-third session.

53rd meeting
19 April 1996

[Adopted without a vote. See chap. IX.]